

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE NATIONAL PRESCRIPTION  
OPIATE LITIGATION**

This document relates to:

*The Muscogee (Creek) Nation v. Purdue  
Pharma L.P., et al.*, Case No. 18-op-45459

**MDL No. 2804**

**Case No. 17-MD-2804**

**Judge Dan Aaron Polster**

**MOTION TO DISMISS FIRST AMENDED COMPLAINT BY DEFENDANTS  
CAREFIRST PHARMACY, CITY DRUG, CITYPLEX PHARMACY, COUCH  
PHARMACY, CVS, ECONOMY PHARMACY, ERNIE'S PHARMACY, FREELAND  
BROWN PHARMACY, GADDY DISCOUNT DRUG, M&D STAR DRUG, MED-ECON  
DRUG, OMNICARE, PIPPENGER PHARMACIES, REASOR'S, ROGERS DRUG CO.,  
SPOON DRUGS, WALGREENS, AND WALMART**

Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6), Defendants CareFirst Pharmacy, Inc.; City Drug Co. and City Drug of Coweta, Inc.; Cityplex Pharmacy; CVS Health Corporation, CVS Pharmacy, Inc., and Oklahoma CVS Pharmacy, LLC; Economy Pharmacy, Inc.; Ernie's Pharmacy & Wellness Center, Inc.; Freeland Brown Pharmacy, Inc.; Gaddy Discount Drug, Inc.; M&D Star Drug, Inc.; Med-Econ Drug, Inc.; NRF, Inc. d/b/a Couch Pharmacy; Omnicare Distribution Center LLC; Pippenger Pharmacies, LLC; Reasor's LLC; Rogers Drug Co., Inc.; Spoon Drugs, Inc.; Walgreens Boots Alliance, Inc. and Walgreen Co.; and Walmart Inc. move to dismiss the Muscogee (Creek) Nation's First Amended Complaint with prejudice for the reasons set forth in the accompanying Memorandum.

Dated: August 31, 2018

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that, this 31st day of August, 2018, I electronically filed a copy of the foregoing with the Clerk of the Court using the ECF system, which sent notification of such filing to all counsel of record.

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